21. (amended) Isolated DNA that hybridizes under stringent conditions with a polynucleotide encoding human α platelet derived growth factor protein [The DNA of claim 20], wherein said polynucleotide is the cDNA insert contained in plasmid pHF1, deposited under ATCC accession No. 75058.

Please cancel claim 20 without prejudice or disclaimer.

REMARKS

Claims 1-16 and 18-22 are pending. Claims 8-15 have been withdrawn from consideration in response to a restriction requirement. Claim 17 has been canceled. Applicants herewith propose to amend claims 1 and 21 and cancel claim 20. Thus, upon entry of this amendment claims 1-7 and 16-19, 21 and 22 will be active in this case.

Applicants acknowledge Examiner Marschel's indication that claims 2, 3, 7, 16, 18, 19 and 22 are allowable. Applicants believe that the proposed amendment should be entered because it directly responds to the Examiner's suggestions, does not raise any new issues of patentability, would not necessitate further searching on the part of the Examiner and it puts the remaining claims in condition for allowance. Applicants also respectfully request Examiner Marschel to consider and enter the attached Rule 132 Declaration, which is submitted to clarify Figure 11, which supports applicants' arguments.

The only remaining rejection in this case is under 35 USC § 112, first paragraph. According to the Examiner, the term "high affinity" in claim 1 lacks written description in the specification. The examiner states that "[t]he cited Figures appear to support the binding of AA, AB, and BB homodimer with

equivalent affinities but there is no written description in the specification as filed directed to 'high affinity'."

Applicants direct the Examiner's attention to the specification at page 52, in the first full paragraph, where "high affinity binding" is described. Specifically, applicants stated that "[t]he K_ds were 0.4 nM and 0.5 nM for 32D-αR and 32D-βR cells, respectively (Fig. 11)" and that 32D-αR cells also showed a high binding affinity (Kd= 0.4nM) for ^{125}I-PDGF-AB. Dr. Bottaro explains in the attached Rule 132 declaration that the K_d values set forth above would be considered to represent a "high binding affinity" to those of skill in the art.

The Examiner also rejects claim 20 under 35 USC § 112, first paragraph, for the alleged reason that the β platelet-derived growth factor receptor protein is not enabled. Applicants vigorously traverse this rejection for reasons already of record. Indeed, the Examiner's argument that the specification fails to set forth "essential subject matter" is not well-taken. The sequence of the β platelet-derived growth factor receptor protein was in the public domain at the time of the invention. Accordingly, it was not necessary nor even desirable to set forth this sequence in the specification. Under well-accepted patent practices, it was proper for applicants to have relied upon a reference which provided this sequence. In any event, this issue will have been rendered moot with the cancelation of claim 20. Claim 21, previously dependent upon claim 20, has been amended to be in independent form, pursuant to Examiner Marschel's suggestion.

CONCLUSION

In light of the above amendment, explanations and declaration of Dr. Donald Bottaro, applicants assert that the specification and claims meet every requirement under § 112 and that all the active claims, 1-7, 16 and 18-19 and 21 and 22, are in condition for allowance. Early notification thereof is earnestly solicited. Examiner Marschel is invited to contact the undersigned at (202) 672-5477 to discuss any matters related to this case.

Respectfully submitted,

November 28, 1994
Date

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Attachments:
Declaration with attachments